the corporation in violation of 18 U.S.C. 152 is not a question warranting review. When on May 31, 1962 petitioner sold to Stein between one-third and one-fourth of the corporation's entire inventory, he admittedly disposed of property for less than 50% of its cost in order to obtain ready cash to put in his wife's bank account so that the corporation's creditors could not attach these funds. The jury could reasonably infer that petitioner then contemplated that the corporation was so hopelessly insolvent that it would soon be forced by creditors into involuntary bankruptcy—an eventuality which occurred shortly thereafter. Cf. *Dean* v. *Davis*, 242 U.S. 438; *United States* v. *Shapiro*, 101 F. 2d 375, 379 (C.A. 7), certiorari denied, 306 U.S. 657; *Quinn* v. *Union National Bank*, 32 F. 2d 762, 766–768 (C.A. 8).

Petitioner's contention that the transfer was in good faith was rejected by the jury. The court charged that petitioner could "dispose of property in good faith while indebted to others" and prior to the filing of the bankruptcy petition, but only if he did so without intent to conceal assets from the bankruptcy court and without intent to defraud creditors (Tr. 121). The facts fully justify the jury's conclusion that the sale here was not in good faith.

2. Petitioner's failure to mention in the statement of the bankruptcy affairs the transfer to his wife of the funds derived from the Stein sale constituted a false oath violative of 18 U.S.C. 152. For a guilty verdict on count 2 the court's charge required a finding (1) that petitioner "made a false oath, in that he stated that no property of said Factory Showroom,

Inc. had been transferred, other than in the ordinary course of business within the last twelve months"; (2) that this was done "knowingly and willfully"; and (3) "with knowledge * * * that the statement was false in some material particular, as alleged" (Tr. 119). Implicit in the jury's verdict on this count is a finding that the sale and transfer of the corporation's property to Stein was not in the "ordinary course of business". This inference is entirely reasonable in view of the fact that the sale comprised about 30% of the corporation's entire retail furniture inventory for less than half of its cost—clearly an extraordinary business transaction.

CONCLUSION

For the reasons stated it is respectfully submitted that the petition for a writ of certiorari should be denied.

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